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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,218	04/12/2004	C. Douglass Thomas	IPVMAP01	1308
34071	7590	01/12/2006	EXAMINER	
IPVENTURE, INC. 5150 EL CAMINO REAL SUITE A-22 LOS ALTOS, CA 94022			VUONG, QUOCHIE B	
			ART UNIT	PAPER NUMBER
			2685	

DATE MAILED: 01/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/822,218

Applicant(s)

THOMAS ET AL

Examiner

Quochien B. Vuong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Swab et al. (US 6,929,365) in view of Jesiek (US 6,010,216) and Rydbeck (US 5,590,417).

Regarding claim 1, Swab et al. (figures 1, 2a, and 3) disclose a pair of eyeglasses, comprising a frame having a pair of arms and a pair of lense holders (figures 1 and 2a), one or both of the arms having an internal area; wireless communication circuitry (figure 3) provided within the internal area of one or both of the arms; at least one speaker (56) coupled to the wireless communication circuitry, the speaker provided within the internal area of at least one of the two arms; at least one

microphone(54), wherein the at least one microphone being at least substantially embedded in the frame; at least one battery (52) for powering the wireless communication circuitry; wherein at least one of the arms is molded about at least some of the wireless communication circuitry, wherein the at least one battery is provided within the internal area of at least one of the arms, wherein the at least one battery is provided internal to a first of the arms (column 4, lines 5-18; column 4, line 66- column 5, line 43; and column 5, line 66 – column 6, line 16). Swab et al. do not specifically disclose the pair of eyeglasses comprising a balancing weight provided internal to the internal area of at least one of the arms, and wherein the balancing weight is provided internal to a second of the arms so that the two arms are of substantially the same weight, wherein the at least one battery is rechargeable, and wherein the at least one speaker is a piezoelectric speaker. However, Jesiek discloses a hands free two-way radio communications in the eyeglasses with rechargeable batteries and balancing weight for the eyeglasses frame (column 1, lines 46-61; and figures 1 and 2). Therefore, it would have been obvious for one having ordinary skill in the art at the time the invention was made to adapt the rechargeable batteries and balancing weight of Jesiek to the eyeglasses of Swab et al. in order to balance the weight of the eyeglasses to save cost and provide comfort to the user. The combination of Swab et al. and Jesiek fails to disclose wherein the at least one speaker is a piezoelectric speaker. However, Rydbeck disclose using a piezoelectric speaker in the headset (column 3, lines 40-64; and column 4, lines 60-65). Therefore, it would have been obvious for one having ordinary skill in the art at the time the invention was made to adapt the piezoelectric

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speaker of Rydbeck to the eyeglasses of Swab et al. and Jesiek for compact design as suggested by Rydbeck (column 4, lines 60-65).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Shannon (US 5,020,150) discloses combination radio and eyeglasses.

Wingate (US 5,988,812) discloses headphone eyeglasses.

Koike (US 6,243,578) discloses transmitting/receiving unit for use with a mobile communication device.

Haken (US 6,629,076) discloses method and device for aiding speech.

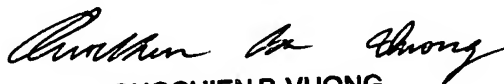
Miller et al. (US 6,729,726) disclose eyewear for hands-free communication.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quochien B. Vuong whose telephone number is (571) 272-7902. The examiner can normally be reached on M-F 9:30-18:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



QUOCHIE B. VUONG
PRIMARY EXAMINER

Quochien B. Vuong
Jan. 07, 2006.